Boston and vicinity, favoring the passage of H. Res. 5— to the Committee on Rules.

By Mr. MORRIS: Petition of Federalized Trades and Labor Assembly, of Denver, Colo., favoring the continued exclusion of Chinese laborers from the United States—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Brotherhood of Locomotive Firemen of Richmond, Ind., favoring House bill 11090, to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

By Mr. POLK: Resolution of the Merchants' Protective Association, of Paterson, N. J., for the passage of amendments to strengthen the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of H. H. Hoagland Post, No. 170, of Catawissa, Pa., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Advance Grange of Fremont, Ind., against a subsidy to steamship lines—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Albert C. Alter, of Fort Wayne, Ind., in favor of House bill 10306, for the conversion of all forest reserves into game preserves—to the Committee on Public Lands.

By Mr. THOMAS: Resolution of Theatrical Union No. 1 and International Association of Machinists No. 15, of New York City, N. Y., advocating the reenactment of the law excluding Chinese from the United States and its insular possessions—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Resolution of Carpenters' Union No. 97, of New Britain, Conn., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By resolution of Stationary Firemen's Union No. 11, of Buffalo, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, protest of Electrical Workers' Union No. 12 of New York City, against passage of Senate bill 5054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of citizens of Herkimer County, N. Y., for a violation of Constitution to prohibit and punish polygamy and define legal marriage—to Committee on the Judiciary.

Also, resolutions of Machinists' Union No. 425, of Utica, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Machinists' Union No. 425, of Utica, N. Y., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Petition of Van Curlel Loc No. 96, of Schenectady, N. Y., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HENRY C. SMITH: Petition of Order of Railroad Conductors, Wolverine Railroad, No. 183, of Jackson, Mich., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Carpenters' Union No. 124, of Derby, Sheboygan County, and Ansonia, Conn., favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of Lithographers' Protective and Beneficial Association, in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of New York Plate Printers' Union No. 5, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also resolutions of District Lodge Union No. 15, Association of Machinists; Theatrical Protective Union No. 1; Plate Printers' Union No. 5; Association of Steam Fitters and Helpers, all of New York City, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of George I. Scallary, of National Association of Manufacturers, in favor of American merchant marine, a department of the navy, and an international canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists' Union No. 15, of New York, N. Y., for the building of war vessels in New York City— to the Committee on Naval Affairs.

Also, resolution of Interstate Commerce Law Convention, St. Louis, Mo., for the passage of amendments to strengthen the interstate commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Resolution of United Brewery Workers' Union No. 175, of Sioux City, Iowa, for the passage of laws which would prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petition of United Brewery Workers' Union No. 175, of Sioux City, Iowa, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Paulina and Calhoun Counties, Iowa, for the passage of House bill 10966, for the suppression of train robbery—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany House bill for the relief of the estate of B. L. Robinson—to the Committee on War Claims.

By Mr. WOODS: Resolution of board of governors of the Commercial Club of Salt Lake City, Utah, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

Also, resolution of Sailors' Union of the Pacific, San Francisco, Cal., relative to seamen's clause in proposed bill for exclusion of Chinese laborers—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, February 19, 1902.

The Senate met at 11:45 o'clock a. m.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

The PRESIDENT pro tempore. The Chair desires to say that on Monday last he requested the clerks not to call the names of the Senators from South Carolina, that, being justified by a resolution of the Senate in contempt of the body. On Tuesday last he requested the clerks to read the names in the event there was a roll call. He did this not because he desired to have the duty of calling the names but because, in his opinion, the clerks should be prevented from engaging in the clashing of points of order that were raised and to the fact that the Senator from South Carolina had not recognized his propriety. He hoped that he might be relieved from the contempt declared by the Senate.

The Chair on Tuesday morning noticed by the Journal that the Senator from Washington [Mr. TURNER] entered an appeal to one of his decisions. In the conclusion in the Senate at the time and the cloud of points of order that were raised and to the fact that the Senator from South Carolina had not recognized his propriety, he had been relieved from the contempt declared by the Senate.

Also, the Chair, in his note, asked the consent of the Senate might be obtained that he rise to such a question. While the Chair has no propriety of that request, he gives the Senator from South Carolina the benefit of the doubt and asks unanimous consent that at some other time, on tomorrow, he may be heard. Is there objection?

Mr. TURNER and Mr. BURROWS addressed the Chair.

PROTEST OF SENATOR E. B. TILLMAN.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. TILLMAN] sent a note yesterday to the President of the Senate in which he asked that he might be heard on a question of the highest privilege. The Chair was authorized the Senate from South Carolina to recognize that the Senator from South Carolina had not recognized his propriety.

Also, by resolution of the Senate from South Carolina the Chair demands that he rise to such a question. While the Chair has no propriety of that request, he gives the Senator from South Carolina the benefit of the doubt and asks unanimous consent that at some other time, on tomorrow, he may be heard. Is there objection?

Mr. TURNER and Mr. BURROWS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. TURNER. I think it is proper, since the President pro tempore has made this statement to the Senate, that I now take this opportunity to present to the Senate and ask to have spread upon the record the protest of the senior Senator from South Carolina on the action of the President pro tempore. The Senator has been just referred. In this connection, I wish to say that I found myself endeavor to present this at the time the action was taken to which the President pro tempore has referred, and I was prevented from doing so by the action of order. Later on, after the voting had ceased on the bill then pending before the Senate, I endeavored again to present the protest and was taken off the floor, while endeavoring to do so, by a motion by the senior Senator from Massachusetts [Mr. HOOC] to refer the consideration from Massachusetts to the Committee on Interstate and Foreign Commerce. Since that time there have been two adjournments of the Senate since that time, having which have prevented me from performing this duty, and I now beg leave to perform it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington that the protest may be printed in the RECORD?

Mr. BURROWS. No, Mr. President.

Mr. TURNER. No, Mr. President; I have consulted the proceedings somewhat. I find that this practice of protests originated
in the House of Lords, and that it is laid down by the commentators upon parliamentary law that it is the uniform custom in the United States, which has been universally admitted, that when any member shall have the right to present a written protest either when he thinks his rights have been invaded or when the Constitution or laws of the country have been violated, he must insist that it be spread upon the records of the Senate, just what I asked to be done.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Washington is right in his contention, and it is so ordered in the Records of the Senate as a protest. Is the objection to the request made by the Senator from South Carolina?

MR. BURROWS. Mr. President, while there may be an objection when I may make no objection to it, yet at this time I shall be unwilling to object.

The PRESIDENT pro tempore. The Senate will receive a message from the President of the United States.

The message from the President appears later in the proceedings.

MR. TURNER. I did not catch the sense of the remark made by the Senator from Michigan, but I am told by those around me that he has objected to the reception of the protest.

The PRESIDENT pro tempore. No.

MR. BURROWS. Not at all.

The PRESIDENT pro tempore. He has objected to the request of the Senator from South Carolina. The protest will be printed in the RECORD, and it will be spread on the Journal at some future time. That was the request of the Senator, the Chair thinks.

The protest is as follows:

That the Senate, having received a copy of a commission in this body from the sovereign State of South Carolina, as one of its Senators, and having been in the full and undisputed exercise of that high office for seven years last past, solemnly protests against the ruling of the Presiding Officer sustained by the vote of a majority of the Senate, depriving him of the right as such Senator to vote on the pending measure and to take part generally in the proceedings of the Senate, and he respectfully asks that this, his protest, be spread on the Journal of this body.

The Senate of the United States shall be composed of two Senators from each State.

The Senate of the United States shall be composed of two Senators from each State, and shall be chosen by the legislature thereof for six years, and each Senate shall hold one vote.

I respectfully insist that a right and duty is here conferred and imposed on each Senator, and that so long as he remains a member of the Senate he can not be deprived of that right and duty. He may be punished for disorderly behavior by a majority vote of the Senate, and he may be expelled from the Senate by a two-thirds vote. This is declared by the second clause of section 5, Article 1 of the Constitution, but the right to punish for disorderly conduct cannot be proceeded to the extent of depriving him of his voice and vote in this body unless and until the punishment against him shall have been adjudged to be one of expulsion. While the undoubted right has been adjudged as a contempt of the Senate for disorder committed in its presence on the last legislative day before this, an act committed in the heat of blood and which he regrets and has apologized for, that incident has passed and gone and he is now in his place as a Senator, desirous of proceeding in order and in accordance with the rules of the Senate in the performance of the high duties intrusted to him by the authority and under the seal of the State of South Carolina.

The second section of Rule XIX of this body, which provides that a Senator called to order for transgressing the rules of the Senate shall sit down and not proceed without leave of the Senate, is a rule to secure the orderly conduct of debate, and its direction is that a Senator called to order shall sit down and not proceed without leave of the Senate has relation to the debate then immediately progressing and nothing else.

Such has been its uniform construction and application, and such has been its effect in the United States, where it has been used to the attempt now to stretch it so as to indefinitely disqualify Senators from performing their duties here, even to the extent of depriving them of the right to vote, is an invasion of the privileges of a constitutional right of each State to equal representation in this body. Under such a construction of that rule the majority may force a cloture in this body by simply declaring each member of the minority in contempt, and such a construction, moreover, a minority may be transformed into a majority, if, taking advantage of the accidental absence of majority members, the minority, being temporarily in the majority, shall declare a sufficient number of members present to be in quorum. The rule on that question was never intended for such a purpose and ought not to be given a construction which can make such a result possible.

In making this protest the undersigned is not moved by considerations personal to himself. He is not restive under the just discipline of this body. He is ready to cheerfully accept such order as it may make for the vindication of its rights and its dignity. But until this book shall have laid down until it shall have adjudged his expulsion, if the Senate thinks his offenses merit that punishment, he can not silently permit his State to be deprived of its constitutional representation on the floor of this Chamber, which is most notably established in its right through its Senators to vote and speak upon every measure before it. All of which is respectfully submitted for the consideration of the Senate.

B. R. TILLMAN, Senator from South Carolina.

MR. HOAR. I think the protest should also be referred to the Committee on Privileges and Elections, because he has made other matters to be made that request.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the protest be referred to the Committee on Privileges and Elections.

MR. TURNER. If the protest be spread upon the Journal of the Senate, of course—

The PRESIDENT pro tempore. That has been ordered.

MR. TURNER. I have no objection to the reference.

The PRESIDENT pro tempore. Without objection, the protest will be referred to the Committee on Privileges and Elections.

MR. BACON. Mr. President, I have not looked into the proceedings of this matter. Therefore, if the President of the Senate sustains the protest, I am in a position to be corrected by Senators. I hope the Chair will withhold the ruling that there is no objection. We may not be able to pass upon this matter right now.

He refers to me, without having an opportunity to examine it, that the matter of protest is not one for the action of the body at all. It is a protest which is final in its character, so far as that particular document is concerned.

MR. HOAR. The Senator from Georgia is not heard in this part of the Chamber.

MR. BACON. I beg the Senator’s pardon. I was simply saying that I have not had the opportunity to look into the proceedings of the Senate to which the protest is addressed by the body and spread upon its minutes was thereafter a matter for reference to a committee as if it were something which required further action.

I thought the time was so short now that we could not possibly look into that matter to-day, and I simply asked, without assuming to suggest a final conclusion on the subject, that the Chair withhold the announcement which he was about to make, and in fact had made, that there was no objection to the proceeding for a reference. There may be none; I am not prepared to say that there will be any; but certainly it is a very important matter as a precedent, whether it is a protest, whether it has been received by the body and ordered to be spread both upon the Journal and in the CONGRESSIONAL RECORD, is a subject thereafter for reference as a bill or resolution would be, or any matter which required further action.

I repeat, Mr. President, in order that I may not be misunderstood, I have not had the opportunity to examine the question and I do not wish to express a final conclusion on the matter, but I think in view of the present emergency it ought to go over and be determined hereafter.

MR. HOAR. Mr. President, it seems to me that the protest is in the nature of a petition, and that respect for it is manifested by any support which implies further respectful consideration. So the reference to a committee is not a matter of disrespect, but of high respect to the protest. Otherwise, though the occurrence of its presentation is spread upon the Journal, the Senate treats it with the same silence, in the possession of the Senate, a petition, a bill, a resolution, or other document, may be referred to one of its committees for consideration. The resolutions of State legislatures are frequently so referred, though they are not petitions, and various protests of commercial bodies. Even essays are not infrequently presented here and printed as documents and then referred to committees.

Mr. President, I do not wish to express a final opinion because the protest from Georgia has grave doubts, but I suppose that to receive these papers with no further notice would be a mark of disrespect to the gentleman who has presented it.

MR. BACON. I hope it may go over. That is all I ask now, Mr. President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. C. Frazer, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 910) to extend the time for the completion of a bridge across the Missouri River;